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DATE: January 12, 2005

TO: Commissioner for Patents
Attn: Examiner Mendez
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Brian C. Whipps

OUR REF: 1001.1698104
TELEPHONE: 612-677-9050

Total pages, including cover letter: 3

PTO FAX NUMBER: 703-872-9306

If you do NOT receive all of the pages, please telephone us at (612) 677-9050, or fax us at (612) 359-9349.

Title of Document(s) Transmitted: RESPONSE TO RESTRICTION REQUIREMENTApplicant: Mark Agro et al.
Serial No.: 10/825,250
Filed: April 14, 2004
Group Art Unit: 3763
Our Ref. No.: 1001.1698104
Confirmation No.: 8307
Customer No.: 28075Please charge Deposit Account No. 50-0413 in the amount of \$____, Fee Code ____.
Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.By: Brian C. Whipps
Name: Brian C. Whipps
Reg. No. 43,261

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Kathleen L. Boekley
Name: Kathleen L. BoekleyJanuary 12, 2005
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P A T E N T

UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mark Agro et al. Confirmation No. 8307
Serial No.: 10/825,250 Examiner: M. Mendez
Filed: April 14, 2004 Group Art Unit: 3763
Docket No.: 1001.1698104 Customer No.: 28075
Title: SINGLE OPERATOR EXCHANGE BILIARY CATHETER

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RESPONSE TO RESTRICTION REQUIREMENT**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))**

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Kathleen L. Bookley

Type or print name of person signing certification

Kathleen L. Bookley January 12, 2005
Signature Date

Dear Sir:

In response to the Restriction Requirement mailed December 13, 2004, Applicants timely provide the following election.

Applicant's representative, Brian C. Whipps, conducted a telephone conference with Examiner Manuel Mendez on January 7, 2005. During that telephone conference, the parties discussed that original claims 1-29 had been cancelled with a preliminary amendment. Original claims 1-29 were the subject of the restriction requirement made by the Examiner. The Examiner suggested that the applicant propose election of the preliminary amendment claims.

Thus, Applicants propose the following:

Claims 30-37 are directed to a cannula, claims 38-45 are directed to a cannula in combination with a guidewire, and claims 36-49 are directed to a catheter for use in combination with an

Appl. No. 10/825,250
Restriction Response dated January 12, 2005
Reply to Office Action of December 13, 2004

endoscope and a guidewire. As suggested by the Examiner, Applicants propose that claims 30-45 directed to a cannula and to a cannula in combination with a guidewire be a first invention and the last claim set 46-49 directed to a catheter in use in combination with an endoscope and guidewire be a second invention.

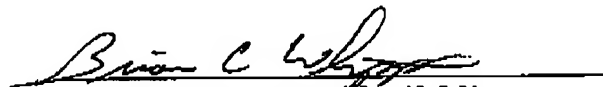
As such, Applicants hereby elect claims 30-45, the first invention, without traverse.

Respectfully Submitted,

Mark Agro et al.

By their Attorney,

Date: 12 Jan 2005



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